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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ELENA DEL CAMPO, et al. on behalf of
 themselves and all others similarly
 situated,

Plaintiffs,

v.

AMERICAN CORRECTIVE COUNSELING
 SERVICES, INC., et al.

Defendants.

Civ. No. 01-21151 JW

CLASS ACTION

PLAINTIFFS' MOTION TO ADOPT A
 DISCOVERY MANAGEMENT PLAN

Date: October 30, 2007

Time: 10:00 a.m.

Courtroom 5

AND CONSOLIDATED ACTION

Civ. No. 03-2611 JW

To Defendants American Corrective Counseling Services, Inc., ACCS
 Administration, Inc., Fundamental Performance Strategies, Don Mealing, Inc.
 Fundamentals, Lynn Hasney, Fulfillment Unlimited, Inc. and to their Attorneys of
 Record

PLEASE TAKE NOTICE that on October 30, 2007 at 10:00 a.m. or as soon
 thereafter as this matter may be heard, in the United States District Court, San Jose

1 Division, located at 280 South First Street, San Jose, CA, before Magistrate Judge
2 Patricia V. Trumbull, in Courtroom 5, plaintiffs Elena del Campo, Ashorina Medina,
3 Miriam Campos, Lisa Johnston and Lois Artz will move for an order to adopt the
4 discovery management plan proposed by plaintiffs and attached hereto as Exhibit 1.
5 Plaintiffs make this motion on the ground that despite reasonable efforts by the parties
6 they have reached an impasse on agreeing to a discovery management plan.

7 Plaintiffs make this motion pursuant to the inherent power of this Court to regulate
8 proceedings, to Fed.R.Civ.P. 26, to the June 21, 2002 order herein of Judge James Ware
9 referring the parties to Magistrate Judge Patricia V. Trumbull for a discovery
10 management plan, and to the February 1, 2006 order herein of Judge James Ware
11 referring all discovery issues in this consolidated action to Magistrate Judge Patricia V.
12 Trumbull.

13 This motion is based on this notice, the memorandum of points and authorities and
14 the declaration of Paul Arons filed herewith, and on whatever additional evidence may be
15 submitted.

16 DATED: September 25, 2007

LAW OFFICES OF PAUL ARONS

17 By s/ Paul Arons
18 PAUL ARONS
19 Attorneys for Plaintiffs
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1 Additional Plaintiffs' Counsel

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12 MotDiscoveryMgmtPlan.doc

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 26 SERVICES, INC., et al.

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Civ. No. 01-21151 JW

CLASS ACTION

DISCOVERY MANAGEMENT PLAN
 (proposed)

Date: October 30, 2007
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The Court hereby approves the following Discovery Management Plan:

A. Written discovery

To the extent it has not already done so, American Corrective Counseling Services, Inc., [ACCS] will provide all documents it has concerning each named plaintiff,

1 including all computer records showing activity directed towards, and communications
2 with, each plaintiff, and how money paid by plaintiffs was allocated and disbursed.

3 ACCS shall disclose the true name, last known address and phone number of any
4 defendant who has not yet appeared in this action.

5 Limitations on the number of interrogatories shall be by side, and the parties agree
6 that these limitations will be expanded where appropriate to allow full discovery. Plaintiffs
7 may jointly propound fifty interrogatories to each other defendant. Defendants may jointly
8 propound fifty interrogatories to each plaintiff. There will not be any other modifications of
9 written discovery limitations

10 All parties who have not yet made Initial Disclosures shall do so within thirty days
11 of approval of this Plan.

12 Plaintiffs may subpoena documents from any merchant who refers returned
13 checks to a restitution program operated by ACCS in California, and from any California
14 district attorney who has allowed ACCS to operate in his or her name during the relevant
15 time period.

16 Plaintiffs may subpoena documents from the National District Attorneys'
17 Association, the California Association of District Attorneys', and the American Collector's
18 Association.

19 **B. Depositions:**

20 Plaintiffs shall be entitled to conduct a 3 day deposition of ACCS pursuant to
21 Fed.R.Civ.P. 30(b)(6), and a one day deposition for each other defendant, including a
22 one day deposition of each defendant who is not a natural person, pursuant to
23 Fed.R.Civ.P. 30(b)(6). Plaintiffs will be allowed to conduct up to ten depositions of
24 current or former ACCS employees who are not defendants.

25 Plaintiffs may conduct a deposition of any California district attorney's office which
26 has had a contract with ACCS at any time since 1998. Plaintiffs may conduct up to

1 seven depositions of merchants or other debt collectors who have referred dishonored
2 checks to ACCS.

3 Plaintiffs may depose a representative from the National District Attorneys'
4 Association, the California Association of District Attorneys', and the American Collector's
5 Association.

6 **C. Modification**

7 The parties agree that this is a preliminary plan, and that it is likely it will be
8 modified as case developments warrant. If defendants raise any objection to class
9 certification that puts in issue the practices of a specific county's restitution program, or of
10 a specific merchant, discovery relevant to those objections, including written discovery
11 and depositions, shall be permitted, even if it exceeds a limitation on the amount of
12 discovery otherwise allowed by federal rule or by this order.

13 **IT IS SO ORDERED.**

14
15 Date:

16 _____
Magistrate Judge Patricia V. Trumbull
United States District Court

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